

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 4:23-cv-306-LGW-
Plaintiff,)	CLR
)	
v.)	
)	
TIMOTHY M. RAGEN,)	
)	
Defendant.)	
_____)	

MOTION TO SET ASIDE DEFAULT JUDGEMENT

Comes now, Defendant, Timothy M. Ragen, by and through his undersigned counsel, and hereby files this Motion to Set Aside Default Judgement pursuant to Rule 55(c) of the Federal Rules of Civil Procedure and respectfully requests this Court, for good cause shown, set aside any default entered against the Defendant in this action. In support, Defendant states as follows.

1.

On October 13, 2023, the United States filed the complaint against Defendant, and the Answer to the Complaint was due December 22, 2023.

2.

The Answer was filed on December 29, 2023, and the Defendant concedes that the Answer was filed late.

3.

Under Federal Rule of Civil Procedure Rule 55(c), a district court

may set aside an entry of default for good cause.

4.

The "good cause" standard of Rule 55(c) is a liberal one which considers factors including whether the default was "culpable or willful," whether setting aside the default would prejudice the opposing party, and whether the defaulting party sets forth a "meritorious defense." *Compania Ineramericana Exp.-Imp., S.A. v. Compania Dominicana de Aviacion*, 88 F.3d 948, 951 (11th Cir. 1996). It is a "mutable standard, varying from situation to situation." *Id.*

5.

Additionally, the Eleventh Circuit has repeatedly expressed its "strong preference for deciding cases based on the merits- not based on a single missed deadline- whenever reasonably possible." *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1332 (11th Cir. 2014).

6.

Defendant had good cause because Defendant's undersigned counsel was severely ill with the flu during this period.

7.

Furthermore, the Defendant's counsel was in communication with the Plaintiff's counsel, and Plaintiff's counsel had no objection and is not prejudiced by the late-filed Answer.

8.

Plaintiff's counsel consents to setting aside any default

judgement.

9.

For the forgoing reasons, Defendant respectfully requests the Court set aside any default entered against Defendant in this action.

Dated: January 5, 2024

Respectfully submitted,

/s/ Jeffrey L. Williamson

Jeffrey L. Williamson, Esq.

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CERTIFICATE OF SERVICE

I certify that on January 5, 2024, I filed the foregoing document using the Court's CM/ECF system, which will serve this document on counsel of record.

/s/ Jeffrey L. Williamson
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